IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

LA.App..No. 400 of 2004(D)

LAR.32/1999 of PRINCIPAL SUB COURT,ATTINGAL
.....

APPELLANT/RESPONDENT:

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.K.V.MANOJ

RESPONDENTS/CLAIMANT:

SYAMALA, DARSANA, POOVAR,
PUTHIYARA P.O.

BY ADV. SRI.V.R.GOPU

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 400 OF 2004

Dated this the 3rd day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 32/1999 on the file of Sub Court, Attingal. Acquisition is for the purpose of doubling of railway line.

2. The claimant placed reliance on Exhibit A1 certified copy of Sale Deed. AW1 gave evidence to the effect that A1 property is situated half a kilometer away from the acquired property. The said evidence is unchallenged. It was also found that the acquired property is situated very near to public institutions and in a very important locality. Northern boundary of the acquired property is the public road whereas A1 property is not having road frontage. With all these it is seen that the claimant-respondent limited the claim to 50% of the value shown in Exhibit A1.

On the basis of the unchallenged evidence of AW1 placing reliance on Exhibit A1, the court fixed the land value at

50% of the value shown in Exhibit A1 which in the above circumstance is only just, proper and reasonable. Thus there is no merit in this appeal and it is accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp